IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4890 OF 2004

Shri Ashok Shivnarayan Pandey & Ors. ..Applicants.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.S.P.Kadam for applicants.

Ms.M.M.Deshmukh, A.P.P. for respondent State.

Mr.Ganesh Gole for respondent No.2.

AND

CRIMINAL APPLICATION NO.593 OF 2006

Mr.Dhirendra Kumar & Anr. ..Applicants.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Ganesh Gole for applicants.

Ms.M.M.Deshmukh, A.P.P. for respondent State.

Mr.Sanjeev P. Kadam for respondent No.2.

CORAM : J.H.BHATIA, J.

DATED : 15TH MARCH, 2007.

P.C. :-

Heard Mr.Gole, advocate for applicants in Criminal Application No.4890 of 2004, Mr.Kadam, Advocate for applicants in Criminal Application No.593 of 2006 and Ms.Deshmukh, A.P.P for the State.

2. These two applications arise out of two cross cases. The daughter of Kamini Surendra Thakur,

who is respondent No.2 in Criminal Application No.4890 of 2004, was engaged to marry Ashok Shivnarayan Pandey. However, before the marriage could be actually solemnised, dispute arose between the parties and, therefore, marriage could not take place. Kamini Surendra Thakur lodged a report with the Panvel police station and on her report, crime No.67/04 came to be registered under section 3 and 4 of the Dowry Prohibition Act against Ashok, his parents, sister and another relative. All the accused are applicants in Criminal application No.4890 of 2004 wherein they seek to quash the proceedings arising out of the report lodged by respondent No.2 Kamini Surendra Thakur.

3. Out of the same incident, Shivnarayan Laxman Pandey lodged a complaint which came to be registered as Criminal Case No.208/04 under section 504, 506, 384, 385 and 511 of I.P.C. in the Court of J.M.F.C., Panvel against four persons. Out of those four persons, accused Nos.1 and 3 namely Dhirendra and Mrs.Anju have filed Criminal Application No.593 of 2006 seeking to quash the said proceedings.

4. Dhirendra, applicant No.1 in Criminal Application No.593 of 2006 is present with Mr.Ganesh Gole, advocate and he has filed his affidavit. The respondent No.2 Shivnarayan Pandey has filed common

affidavit in both the matters. He is present with his advocate Mr.Sanjeev Kadam, Advocate. Kamini Thakur has filed an affidavit but she is not personally present. She is represented by Mr.Ganesh Gole, Advocate. By these two affidavits, the parties make a statement that the dispute between the parties have been amicably settled. The boy and the girl are now married at different places and by continuation of these proceedings, their married lives may be further disturbed. To avoid that, the parties want that both the proceedings should be quashed. In view of the affidavit of Kamini Thakur, who is the complainant and the respondent No.2 in Criminal Application No.4890 of 2004 and affidavit of Shivnarayan Pandey who is the complainant and respondent No.2 in Criminal Application No.593 of 2006, I find that it would be in the interest of justice that the proceedings should be quashed by invoking the inherent powers under section 482 of Cr. P.C.

5. In view of the above, with consent of the parties, Criminal Application No.593 of 2006 is allowed and the proceedings i.e. Criminal Case No. 208/04 pending before the J.M.F.C., Panvel are hereby quashed. Similarly, Criminal Application No.4890 of 2004 is also allowed and proceedings arising out of the Crime No.67/04 registered by Panvel Police station (R.C.C.

No.283/04) are hereby quashed.

(J..H.BHATIA, J.)